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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RODOLFO RODRIGUEZ-SILVA,  
  
Defendant.

Case No.: 2:20-cr-243-RFB-VCF

**Stipulation to Continue Waiver of  
Indictment, Filing of an Information,  
Initial Appearance and Arraignment and  
Plea Hearing (Second Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Dan Winder, Esq., counsel for Defendant Rodolfo Rodriguez-Silva, that the Court reschedule the Waiver of Indictment, Filing of an Information, Initial Appearance and Arraignment and Plea hearing currently set for October 29, 2020, at 10:00 am, to a date and time convenient to the Court but not earlier than 21 days from the current hearing date.

This stipulation is entered into for the following reasons:

1           1.       Defense counsel is unexpectedly unavailable due to illness and cannot appear  
2 at the October 29, 2020 hearing. The Defendant wishes to have continuity of counsel and  
3 therefore agrees to the requested continuance.

4           2.       Defendant is at liberty under the supervision of Pretrial Services pending the  
5 preliminary hearing, which is scheduled for December 3, 2020. The continuance requested  
6 herein will not disturb the preliminary hearing date.

7           3.       Pretrial Services Officer Emily McKillip, who supervises the Defendant, has  
8 recently advised government counsel that the Defendant is in compliance with his release  
9 conditions. The Defendant does not object to continuing the hearing.

10          4.       Accordingly, the parties jointly request that the Court reschedule the Waiver  
11 of Indictment, Filing of an Information, Initial Appearance and Arraignment and Plea  
12 hearing to a date and time convenient to the Court, but not earlier than 21 days from the  
13 current date. The additional time requested herein is not sought for purposes of delay, but  
14 merely to allow the Defendant to have continuity of counsel. Additionally, denial of this  
15 request for continuance could result in a miscarriage of justice, and ends of justice served by  
16 granting this request, outweigh the best interest of the public and the defendant in a speedy  
17 hearing.

18          5.       This is the second request to continue the Waiver of Indictment, Filing of an

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1 Information, Initial Appearance, and Arraignment and Plea hearing.

2 DATED this 28th day of October, 2020.

3 Respectfully submitted,

4 NICHOLAS A. TRUTANICH  
United States Attorney

5 /s/ Dan Winder, Esq.

6 DAN WINDER  
Counsel for Defendant  
7 RODOLFO RODRIGUEZ-SILVA

/s/ Kimberly M. Frayn

KIMBERLY M. FRAYN  
Assistant United States Attorney

1                                   **UNITED STATES DISTRICT COURT**  
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3                                   **DISTRICT OF NEVADA**

4  
5 UNITED STATES OF AMERICA,  
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7                                   Plaintiff,  
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9                                   v.  
10 RODOLFO RODRIGUEZ-SILVA,  
11  
12                                   Defendant.

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**[Proposed] Order on Stipulation to  
Continue Waiver of Indictment, Filing  
of an Information, Initial Appearance  
and Arraignment and Plea Hearing**

13                                   Based on the stipulation of counsel, good cause appearing, and the best interest of  
14 justice being served by continuing the hearing:

15                                   IT IS THEREFORE ORDERED that the Waiver of Indictment, Filing of an  
16 Information, Initial Appearance and Arraignment and Plea hearing currently scheduled on  
17 October 29, 2020, at the hour of 10:00 a.m., be vacated and continued to 11/19/2020 at  
18 the hour of 10:00 AM

DATED this 29th day of October, 2020.

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22 RICHARD F. BOULWARE, II  
23 UNITED STATES DISTRICT JUDGE  
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